

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THE GUARANTEE COMPANY OF  
 NORTH AMERICA,

Plaintiff

v.

ANTHONY BARAJAS, et al.,

Defendants

2:13-cv-01583-JAD-CWH

**Order to Show Cause Why Stay Should  
 Not Be Lifted and Case Should Not Be  
 Dismissed Consistent with the Bankruptcy  
 Court's 8/18/14 Discharge Order and  
 10/20/14 Final Decree**

The Guarantee Company of North America ("Guarantee") issued performance, payment, and commercial licensing bonds on behalf of Barajas & Associates, Inc. for several construction projects in the State of Nevada. It sues Anthony and Elizabeth Barajas, both individually and as trustees of the Barajas Family Trust Dated 05/25/10, for their alleged failure to honor an indemnity agreement that arose as part of that surety relationship.<sup>1</sup>

I stayed this case after the Barajases filed notice on April 21, 2014, that they had petitioned for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada (Case No. 14-12704-abl).<sup>2</sup> I then instructed the parties to provide a status report by March 13, 2015.<sup>3</sup> Guarantee timely responded stating that "[t]his case shall remain stayed due to the pending bankruptcy. . . ."<sup>4</sup> I then ordered the parties to file a second status report by February 2, 2016.<sup>5</sup> But that deadline passed without either side complying.

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<sup>1</sup> ECF 1.

<sup>2</sup> ECF 20.

<sup>3</sup> ECF 21.

<sup>4</sup> ECF 22 at 2.

<sup>5</sup> ECF 23.

1 This silence prompted me to review the docket in the bankruptcy case. I was surprised to  
2 discover that the bankruptcy court had granted the Barajas a discharge under 11 U.S.C. § 727  
3 on August 18, 2014,<sup>6</sup> and entered final decree on October 20, 2014, discharging the Chapter 7  
4 trustee from her duties and closing the bankruptcy case.<sup>7</sup> Both events occurred months before  
5 Guarantee advised me that this case needed to remain stayed due to the Barajas' "pending"  
6 bankruptcy case.<sup>8</sup>

7 Accordingly, IT IS HEREBY ORDERED that **plaintiff The Guarantee Company of**  
8 **North America has until Thursday, March 3, 2016, to show cause** why (1) the bankruptcy  
9 stay should not be lifted and (2) this case should not be dismissed consistent with the bankruptcy  
10 court's August 18, 2014, discharge order and October 20, 2014, final decree. **If plaintiff does**  
11 **not file a document showing good cause by March 3, 2016, this case will be dismissed in its**  
12 **entirety without further notice and without prejudice.**

13 DATED: February 4, 2016

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15 Jennifer A. Dorsey  
16 United States District Judge  
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26 <sup>6</sup> 14-12704-abl, ECF 43.

27 <sup>7</sup> 14-12704-abl, ECF 47.

28 <sup>8</sup> ECF 22.